

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN EMPIRE SURPLUS LINES
INSURANCE COMPANY,

Plaintiff,

-against-

UPLIFT ELEVATOR OF NY INC.,
JERMAINE HICKSON, and HAMILTON
HEIGHTS CLUSTER ASSOCIATES, L.P.,

Defendants.

ORDER OF DEFAULT

20 Civ. 3246 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:

WHEREAS Plaintiff commenced this action on April 24, 2020 by filing the Complaint (Dkt. No. 1);

WHEREAS Plaintiff served Defendants Uplift Elevator of NY Inc. (“Uplift”) and Hamilton Heights Cluster Associates, L.P. (“Hamilton Heights”) on May 11, 2020, and served Defendant Jermaine Hickson on June 13, 2020 (Dkt. Nos. 13-15);

WHEREAS Defendants Uplift, Hamilton Heights, and Hickson have not filed an answer, moved against the Complaint, or appeared in this action (see Certificates of Default (Dkt. Nos. 17, 20-21));

WHEREAS Plaintiff filed an Amended Complaint on September 4, 2020 (Dkt. No. 24);

WHEREAS Plaintiff served Defendants Uplift, Hamilton Heights, and Hickson with the Amended Complaint on September 4, 2020 (Dkt. No. 25);

WHEREAS this Court ordered Defendants Uplift, Hamilton Heights, and Hickson to show cause on October 29, 2020 why a default judgment should not be entered against them

(Dkt. No. 30);

WHEREAS Plaintiff served the Order to Show Cause on Defendants Uplift, Hamilton Heights, and Hickson on October 6, 2020 (Dkt. Nos. 32-34);

WHEREAS Defendants Uplift, Hamilton Heights, and Hickson filed no opposition to Plaintiff's motion for a default judgment and did not appear at the October 29, 2020 hearing;

IT IS HEREBY ORDERED that an order of default is entered against Defendants Uplift, Hamilton Heights, and Hickson.

It is FURTHER ORDERED that this matter is referred to Magistrate Judge Fox for a report and recommendation regarding Plaintiff's request for damages, an award of attorneys' fees, and certain declaratory relief. The Clerk of Court is directed not to close this case.

Dated: New York, New York
October 30, 2020

SO ORDERED.

A handwritten signature in black ink, appearing to read "Paul G. Gardephe", written over a horizontal line.

Paul G. Gardephe
United States District Judge